

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GREGORY M. KLOCH, M.D.,

Plaintiff,

VS.

RANDY T. KOHL, M.D., et al.,

Defendants.

4:05CV3018

ORDER

This matter is before the court on the defendants' Motion to Stay Discovery Proceedings (Filing No. 34). The defendants seek a stay of discovery until after this court rules on the parties' pending motion for summary judgment (Filing No. 36). The defendants' motion challenges the plaintiff's complaint on the basis of qualified immunity, for the individual defendants. Generally, "qualified immunity operates to protect governmental officials from both the burdens of trial and discovery." **Lovelace v. Delo**, 47 F.3d 286, (8th Cir. 1995) (citing **Harlow v. Fitzgerald**, 457 U.S. 800, 814, 817-18 (1982)). Counsel for the parties discussed the motion during a telephone conference with the undersigned magistrate judge. The court finds the defendants have shown good cause for a stay until the merits of the dispositive motions are resolved, except where discovery is necessary to respond to the motion for summary judgment. Upon consideration,

IT IS ORDERED:

1. The defendants' Motion to Stay Discovery Proceedings (Filing No. 34) is granted, except where discovery is necessary to respond to the motion for summary judgment.
2. The parties shall have **ten (10) days** from the date an order is filed on the currently pending motion for summary judgment (Filing No. 36), in which to schedule a planning conference with the court. Counsel for the defendants shall contact the court and opposing counsel within such time period to schedule the planning conference.

DATED this 28th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge